

Sec. 11. Section 544A.27, Code 2007, is amended to read as follows:

544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. ~~A member of the~~ The board shall not disclose information relating to the following:

1. Criminal history or prior misconduct of the applicant.

2. a. Information relating to the The contents of the examination.

3. b. Information relating to the The examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Approved April 11, 2008

CHAPTER 1060

MODIFICATION OF CHILD CUSTODY OR PHYSICAL CARE ORDERS — ACTIVE MILITARY DUTY

S.F. 2214

AN ACT relating to modification of a child custody order during the time a parent is serving active duty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD CUSTODY OR PHYSICAL CARE — ACTIVE DUTY.

1. If an application for modification of a decree or a petition for modification of an order regarding child custody or physical care is filed prior to or during the time a parent is serving active duty in the military service of the United States, the court may only enter an order or decree temporarily modifying the existing child custody or physical care order or decree if there is clear and convincing evidence that the modification is in the best interest of the child. Upon the parent's completion of active duty, the court shall reinstate the custody or physical care order or decree that was in effect immediately preceding the period of active duty. If an application for modification of a decree or a petition for modification of an order is filed after a parent completes active duty, the parent's absence due to active duty does not constitute a substantial change in circumstances, and the court shall not consider a parent's absence due to that active duty in making a determination regarding the best interest of the child.

2. As used in this section, "active duty" means active military duty pursuant to orders issued under Title 10 of the United States Code. However, this section shall not apply to active guard and reserve duty or similar full-time military duty performed by a parent when the child remains in actual custody of the parent.

Approved April 11, 2008

CHAPTER 1061**INDIGENT DEFENSE AND
APPOINTMENTS OF GUARDIANS AD LITEM***S.F. 2217*

AN ACT relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13B.4, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The state public defender shall file a notice with the clerk of the district court in each county served by a public defender designating which public defender office shall receive notice of appointment of cases. The state public defender may also designate a nonprofit organization which has a contract with the state public defender to provide legal services to eligible indigent persons ~~prior to July 1, 2004. Except as otherwise provided, in.~~ In each county in which the state public defender files a designation, the state public defender's designee shall be appointed by the court to represent all eligible indigents persons or to serve as guardian ad litem for eligible children in juvenile court in all of the cases and proceedings specified in the designation. The appointment shall not be made if the state public defender notifies the court that the ~~state public defender~~ defender's designee will not provide legal representation ~~services~~ es in certain cases as identified in the designation by the state public defender.

Sec. 2. Section 13B.9, subsection 1, paragraph c, Code 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Serve as guardian ad litem for each child in all cases in which the local public defender office is the state public defender's designee. The local public defender shall be responsible for determining who shall perform the duties of the guardian ad litem as defined in section 232.2 and shall be responsible for assuring the court that the duties of the guardian ad litem have been fulfilled.

Sec. 3. Section 13B.9, subsection 4, Code 2007, is amended to read as follows:

4. a. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. If the case is returned and the state public defender has filed a successor designation, the court shall appoint the successor designee. If there is no successor designee on file, the court shall make the appointment pursuant to section 815.10. As used in this subsection, "successor designee" may include another local public defender office or a nonprofit organization that has contracted with the state public defender under section 13B.4, subsection 3.

b. If a conflict of interest arises in any case, subsection 1 does not affect the local public defender's obligation to withdraw as counsel or as guardian ad litem.

Sec. 4. Section 814.11, subsection 2, Code 2007, is amended to read as follows:

2. If the appeal involves an indictable offense or denial of postconviction relief, the appointment shall be made to the state appellate defender unless the state appellate defender notifies the court that the state appellate defender is unable to handle the case ~~due to a conflict of interest or because of a temporary overload of cases.~~

Sec. 5. Section 814.11, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In a juvenile case in which a petition on appeal is required, the trial attorney shall continue representation throughout the appeal without an additional appointment order unless the court grants the attorney permission to withdraw from the case.